



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

April 8, 2011

Mr. B. Chase Griffith
Broan & Hofmeister, L.L.P.
740 East Campbell Road, Suite 800
Richardson, Texas 75081

OR2011-04895

Dear Mr. Griffith:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 414116.

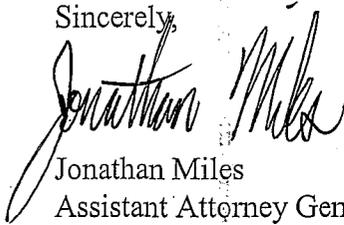
The Town of Flower Mound (the "town"), which you represent, received a request for the road impact fee fund balance. You claim that the requested information is excepted from disclosure under section 552.103 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, we note the submitted information consists of information in an account relating to the receipt and expenditure of public funds. Pursuant to section 552.022(a)(3), "information in an account, voucher or contract" that relates to the receipt or expenditure of public funds is deemed public, unless "expressly confidential under other law." Gov't Code § 552.022(a)(3). Although you raise section 552.103 for the submitted information, this section is a discretionary exception to disclosure that protects a governmental body's interests and may be waived. *Dallas Area Rapid Transit v. Dallas Morning News*, 4 S.W.3d 469, 475-76 (Tex. App.—Dallas 1999, no pet.) (governmental body may waive section 552.103); *see also* Open Records Decision No. 665 at 2 n.5 (2000) (discretionary exceptions generally). As such, section 552.103 is not "other law" that makes this information expressly confidential for purposes of section 552.022(a)(3). Therefore, the town may not withhold the submitted account information under section 552.103 of the Government Code. As you raise no further exceptions against disclosure, the town must release the submitted information.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Jonathan Miles
Assistant Attorney General
Open Records Division

JM/em

Ref: ID# 414116

Enc. Submitted documents

c: Requestor
(w/o enclosures)